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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,191	10/15/2003	Gregory B. Hale	58085-010201	7574

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,191

Applicant(s)

HALE ET AL.

Examiner

Ronald D. Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/10/05;9/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 and 18 are presented for further examination.

Claim Rejections - 35 USC § 103 (maintained)

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 and newly filed claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimm et al., U.S. Patent No. 2002/0116235, in view of Croughwell et al., U.S. Patent No. 5,966,654.

As per claims 1, 4 and 17, Grimm et al. teaches a method of managing the loading of patrons onto multiple attractions in an entertainment environment wherein different patrons are permitted access to an attraction on at least two bases, firstly, a first in first out basis (Examiner's Interpretation: viewed to be the functional equivalent of a traditional waiting line; [0033] and [0040]), and secondly, on a priority basis established by a prior allocation of a space to the attraction (Examiner Interpretation: viewed to be the functional equivalent of a reservation line [0033] and [0040]), the method comprising:

- permitting a patron of an attraction to use a cellular telephone in connection with access to a first attraction (e.g. Abstract, [0014], [0041], [0060], and claims 7, 11, 19, 76, 79, 86, 95 and 106); and
- permitting application through an entry of a request on the cellular telephone for an allocation of a space on the first attraction including receiving an input from a patron at a remote location, the

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input being communicated to a central computer (e.g. [0015] and [0016]) for regulating the load of the first attraction, receiving a response about available return times for the attraction and permitting the patron to select one of the available return times (e.g. viewed to be the functional equivalent of making a reservation; [0060]).

As per claims 1-6 and 17, although Grimm et al. discloses the use of a cellular telephone for making reservations, Grimm et al. does not specifically teach a keying operation, per se, for the actual cellular telephone.

Croughwell et al. teaches a recyclable portable cellular phone for use with making reservations for a amusement or theme park wherein a keying operation, performed using the cellular telephone, initiates the making of a reservation by communicating with a central computer (e.g. C2 L18-32, Figure 2A elements 70 and 72 and C8 L15-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a cellular keypad for inputting commands to the central computer for the purpose of allowing a simple, yet extremely effective way of transmitting the commands to the central computer, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claims 7 and 12, Grimm et al. further teaches the use of bar code (e.g. Figure 3B and its corresponding textual descriptions).

As per claims 8 and 13, Grimm et al. teaches redeeming the priority at the time of entry into the attraction (e.g. [0033]).

As per claims 9 and 14, Grimm et al. teaches the continuous collection of data with respect to the amount of patrons utilizing both means of entering

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attractions, that is, the FIFO or traditional waiting line, and the priority or reservation line, (e.g. [0108]).

As per claims 10 and 15, Grimm et al. further teaches that data is collected which is associated with the return of previously assigned priority access and that non-use of a priority assignment is also used during data collection and calculations (e.g. both are viewed to be the functional equivalent of a cancellation; [0108]).

As per claim 18, the rejection of claims 1 and 4, from above, is applied equally herein. Furthermore, a receiver and transmitter are both inherent to a cellular telephone.

Response to Arguments

4. Applicant's arguments filed on 7/7/2005 have been fully considered but they are not persuasive for the following reasons.

The applicant has argued that the combination of Grimm et al. in view of Croughwell et al. does not adequately disclose a "keying operation on a cellular phone to request a return time". The Examiner respectfully disagrees. Croughwell, contrary to the applicant's assertions, does in fact teach a keying operation. The applicant's attention is directed to Croughwell et al., specifically, C8 L15-20 and C17 L62 – C19 L8 in which the keypad of the telephone is discussed as being utilized for providing commands to a remote computer. Furthermore, the Examiner believes that the "keying operation" claimed by the applicant is a feature and or capability that the combined system of Grimm et al. inherently possesses the ability to perform since clearly a cellular phone utilizing a keypad for providing commands is adequately disclosed.

Therefore, since the applicant has not amended the claims to overcome the prior art of record, and since the previous grounds of rejection is being maintained, this action is being made FINAL.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:30 - 8:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Patent Examiner

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x RDA

October 4, 2005



Anthony Knight
Supervisory Patent Examiner
Group 3600